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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 04/29/2025

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 28, 2025

Via ECF
The Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED: The Case Management Conference scheduled for May 6, 2025 is adjourned. The enclosed proposed extension of the discovery scheduled is hereby adopted.

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.

Re: *United States of America v. Anthem, Inc.*, No. 20 Civ. 2593 (ALC)(KHP) **04/29/2025**

Dear Judge Parker:

This Office represents the United States of America in the above-referenced case. We write respectfully to request that the Court: (1) cancel the conference currently scheduled for May 6, 2025; and (2) issue a narrow extension of the discovery schedule, to account for the time it will take to export identified diagnosis codes from the secure environment being used by the Government.

Upcoming Conference. The parties agree that the upcoming conference, presently scheduled for May 6, 2025, at 10:00 AM can be cancelled.¹ The parties are presently scheduling additional depositions in this case. The next conference is presently scheduled for June 17, 2025.

Modification to Discovery Schedule. The government is currently under an April 30 deadline to provide “Defendant with a list of allegedly false diagnosis codes or other allegedly false claims for payment or overpayments.” Dkt. No. 243. We write respectfully to request a narrow extension of the existing discovery schedule in order to permit the data transfer that will accomplish this disclosure. Due to security features, the transfer is expected to take several days. Anthem does not oppose this request.

As the parties have previously discussed, the government’s data analysis in this case is being conducted within a secure cloud environment hosted by Microsoft. Among the security features in place are access controls: there is no internet access within the

¹ The only issue that the parties expect to be before the Court at the May 6, 2025, conference is the parties’ dispute regarding Anthem’s redaction or withholding of certain documents based on claims of privilege. The dispute will be fully briefed by May 2, 2025. See ECF No. 343. The parties understand from the last case management conference that the Court does not believe that oral argument is necessary on such dispute. However, should the Court request argument on the parties’ privilege dispute, the parties are prepared to do so at the Court’s convenience.

environment. As a result, the the only means for loading or exporting data is via a secure “data box.” Specifically, the government’s contractor must request a transfer from Microsoft, and designate the specific data within the environment to be transferred. Microsoft will then load the specific data from the environment onto a secure physical system and ship it to Anthem, along with instructions for extracting data from the system. We understand the entire process may take up to seven business days, although we expect it will take less time.

To ensure sufficient time to complete the physical transfer and also to ensure that Anthem has sufficient time to examine and analyze the data before conferring about further discovery, we respectfully request the following narrow extension of the schedule:

- (1) The government will be in compliance with its April 30 deadline to provide “Defendant with a list of allegedly false diagnosis codes or other allegedly false claims for payment or overpayments” as long as, by April 30, it (a) initiates the request to Microsoft to transfer the necessary information, notifies Anthem of this written request, promptly thereafter provides Anthem with tracking information for the physical delivery of the data box, and Anthem receives the data box by May 9, and (b) also separately provides Anthem with the CMS source data on which it relied by April 30; and
- (2) the related² fact discovery deadlines each be extended by nine days (or slightly more to avoid weekends and federal holidays).

A complete revised schedule reflecting this proposal is provided below.

Event	Current Deadline	Revised/New Deadline
Deadline for Government to provide “Defendant with a list of allegedly false diagnosis codes or other allegedly false claims for payment or overpayments.” Dkt. No. 243.	April 30, 2025	<p><u>Government will complete analysis, request by 4/30 that Microsoft export and transmit the necessary information, provide Anthem with notice of this written request, and promptly thereafter provide Anthem with tracking information for delivery of data box. Anthem will receive list by 5/9.</u></p> <p><u>Government will provide Anthem with CMS source data by April 30 by</u></p>

² As set forth in the proposed revised schedule, these are the deadlines that relate to the April 30 disclosure, which covers all deadlines except the existing April 30 deadline to substantially complete certain document productions.

		electronic transfer.
Deadline for parties to meet and confer concerning discovery the parties anticipate seeking in connection with Government's disclosed list of allegedly false diagnosis codes or other allegedly false claims for payment or overpayments	May 30, 2025	<u>June 9, 2025</u>
Deadline for parties to substantially complete production of documents responsive to Government's Fourth and Fifth Sets of RFPs and Anthem's First Set of RFPs	April 30, 2025 (unchanged)	<u>April 30, 2025</u> (unchanged)
Fact discovery deadline	September 30, 2025	<u>October 9, 2025</u>
Affirmative expert disclosures and reports	January 9, 2026	<u>January 20, 2026</u>
Rebuttal expert disclosures and reports	April 9, 2026	<u>April 20, 2026</u>
Deadline for all expert discovery	June 9, 2026	<u>June 18, 2026</u>

We thank the Court for its attention to this request.

Respectfully submitted,

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United States Attorney

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cc: Anthem's Counsel (Via ECF)